

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INFORMATICA CORPORATION, a
Delaware corporation,

Plaintiff,

v.

BUSINESS OBJECTS DATA
INTEGRATION, INC., formerly known as
ACTA TECHNOLOGY, INC., a Delaware
corporation,

Defendant

AND RELATED COUNTERCLAIMS.

Case No. C 02-03378 EDL

TENTATIVE VERDICT FORM

Trial Date: March 12, 2007

Pretrial Conference: March 6, 2007

I.
INFRINGEMENT

Question No. 1

Do you find Informatica proved that it is more likely than not that BODI directly infringes any of the following claims of the **'670 Patent**?

"Yes" is a finding for Informatica. "No" is a finding for BODI.

Answer Yes or No to each.

Claim 1 Yes (infringes) _____ or No (does not infringe) _____

Claim 18 Yes (infringes) _____ or No (does not infringe) _____

Claim 31 Yes (infringes) _____ or No (does not infringe) _____

Question No. 2

If you answered "Yes" above for Claim 1 of the '670 Patent, then answer the following question:

Do you find Informatica proved that it is more likely than not that BODI directly infringes any of the following claims of the **'670 Patent**?

"Yes" is a finding for Informatica. "No" is a finding for BODI.

Answer Yes or No to each.

Claim 8 Yes (infringes) _____ or No (does not infringe) _____

Claim 15 Yes (infringes) _____ or No (does not infringe) _____

Claim 12 Yes (infringes) _____ or No (does not infringe) _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Question No. 3

Do you find Informatica proved that it is more likely than not that BODI directly infringes any of the following claims of the **'775 Patent**?

"Yes" is a finding for Informatica. "No" is a finding for BODI.

Answer Yes or No to each.

Claim 11	Yes (infringes) _____	or	No (does not infringe) _____
Claim 5	Yes (infringes) _____	or	No (does not infringe) _____
Claim 7	Yes (infringes) _____	or	No (does not infringe) _____

Question No. 4

Do you find Informatica proved that it is more likely than not that BODI indirectly infringes any of the following claims of the '**670 Patent**?

"Yes" is a finding for Informatica. "No" is a finding for BODI.

Answer Yes or No to each.

Claim 1 Yes (infringes) _____ or No (does not infringe) _____

Claim 18 Yes (infringes) _____ or No (does not infringe) _____

Claim 31 Yes (infringes) _____ or No (does not infringe) _____

Question No. 5

If you answered "Yes" above for Claim 1 of the '670 Patent, then answer the following question:

Do you find Informatica proved that it is more likely than not that BODI indirectly infringes any of the following claims of the '**670 Patent**?

"Yes" is a finding for Informatica. "No" is a finding for BODI.

Answer Yes or No to each.

Claim 8 Yes (infringes) _____ or No (does not infringe) _____

Claim 15 Yes (infringes) _____ or No (does not infringe) _____

Claim 12 Yes (infringes) _____ or No (does not infringe) _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Question No. 6

Do you find Informatica proved that it is more likely than not that BODI indirectly infringes any of the following claims of the **'775 Patent**?

"Yes" is a finding for Informatica. "No" is a finding for BODI.

Answer Yes or No to each.

Claim 11	Yes (infringes) _____	or	No (does not infringe) _____
Claim 5	Yes (infringes) _____	or	No (does not infringe) _____
Claim 7	Yes (infringes) _____	or	No (does not infringe) _____

**II.
VALIDITY**

Question No. 7

Do you find BODI proved that it is highly probable that any of the following claims of the '**670 Patent** are invalid because of anticipation or statutory bar?

"Yes" is a finding for BODI. "No" is a finding for Informatica.

Answer Yes or No to each.

Claim 1 Yes (invalid) _____ or No (not proved invalid) _____

Claim 18 Yes (invalid) _____ or No (not proved invalid) _____

Claim 31 Yes (invalid) _____ or No (not proved invalid) _____

Question No. 8

If you answered "Yes" above for Claim 1 of the '670 Patent, then answer the following question:

Do you find BODI proved that it is highly probable that any of the following claims of the '**670 Patent** are invalid because of anticipation or statutory bar?

"Yes" is a finding for BODI. "No" is a finding for Informatica.

Answer Yes or No to each.

Claim 8 Yes (invalid) _____ or No (not proved invalid) _____

Claim 15 Yes (invalid) _____ or No (not proved invalid) _____

Claim 12 Yes (invalid) _____ or No (not proved invalid) _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Question No. 9

Do you find BODI proved that it is highly probable that any of the following claims of the '**775 Patent** are invalid because of anticipation or statutory bar?

"Yes" is a finding for BODI. "No" is a finding for Informatica.

Answer Yes or No to each.

Claim 11	Yes (invalid) _____	or	No (not proved invalid) _____
Claim 5	Yes (invalid) _____	or	No (not proved invalid) _____
Claim 7	Yes (invalid) _____	or	No (not proved invalid) _____

Question No. 10

Do you find BODI proved that it is highly probable that any of the following claims of the '**670 Patent** are invalid because of obviousness?

"Yes" is a finding for BODI. "No" is a finding for Informatica.

Answer Yes or No to each.

Claim 1 Yes (invalid) _____ or No (not invalid) _____

Claim 18 Yes (invalid) _____ or No (not invalid) _____

Claim 31 Yes (invalid) _____ or No (not invalid) _____

Question No. 11

If you answered "Yes" above for Claim 1 of the '670 Patent, then answer the following question:

Do you find BODI proved that it is highly probable that any of the following claims of the '**670 Patent** are invalid because of obviousness?

"Yes" is a finding for BODI. "No" is a finding for Informatica.

Answer Yes or No to each.

Claim 8 Yes (invalid) _____ or No (not invalid) _____

Claim 15 Yes (invalid) _____ or No (not invalid) _____

Claim 12 Yes (invalid) _____ or No (not invalid) _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Question No. 12

Do you find BODI proved that it is highly probable that any of the following claims of the '**775 Patent** are invalid because of obviousness?

"Yes" is a finding for BODI. "No" is a finding for Informatica.

Answer Yes or No to each.

Claim 11	Yes (invalid) _____	or	No (not proved invalid) _____
Claim 5	Yes (invalid) _____	or	No (not proved invalid) _____
Claim 7	Yes (invalid) _____	or	No (not proved invalid) _____

III.
DAMAGES

Question No. 13

If you found BODI infringed one or more claims (by answering "Yes" to any of questions 1 - 6 above) and not found every one of those same claims invalid (by answering "Yes" for each corresponding claim in question 7 - 9 and/or 10 - 12 above), then also answer the following question:

What amount of damages for lost profits and/or reasonable royalty do you find that Informatica has proven that it is more likely than not is necessary to adequately compensate it for BODI's infringement?

This is a finding BODI should pay Informatica damages.

Amount \$ _____

DAMAGES ATTRIBUTABLE TO INFRINGEMENT UNDER 35 U.S.C. § 271(f)

Question No. 14

[If claim 31 goes to the jury:] What amount of the damages indicated above in response to Question No. 13 do you attribute to BODI's act of supplying or causing to be supplied in or from the United States all or a substantial portion of the components of a patented invention, in such manner as to actively induce the combination of such components outside the United States in a manner that would infringe any of claims 1, 8, 12, 15, 18, or 31 of the '670 patent or claims 5, 7, or 11 of the '775 patent if such combination had occurred within the United States?

OR

[If claim 31 does not go to the jury:] What amount of the damages indicated above in response to Question No. 13 do you attribute to BODI's act of supplying or causing to be supplied in or from the United States all or a substantial portion of the components of a patented invention, in such a manner as to actively induce the combination of such components outside of the United States in a manner that would infringe any of claims 1, 8, 12, 15, 18, or 31 of the '670 patent or claims 5, 7, or 11 of the '775 patent if such combination had occurred within the United States?

Amount \$ _____

IV.
WILLFUL INFRINGEMENT

Question No. 15

Do you find Informatica proved that it is highly probable that BODI's infringement was willful?

"Yes" is a finding for Informatica. "No" is a finding for BODI.

Answer Yes or No to each.

'670 Patent Yes (willful) _____ or No _____

'775 Patent Yes (willful) _____ or No _____

V.
CHECKING AND SIGNING OF VERDICT FORM

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Marshal that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: _____, 2007

By: _____

Presiding Juror